

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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EPIC SYSTEMS CORPORATION, a
Wisconsin Corporation,

Plaintiff,

-vs-

Case No. 14-CV-748-SLC

TATA CONSULTANCY SERVICES
LIMITED, an Indian Corporation
and TATA AMERICA INTERNATIONAL
CORPORATION, d/b/a TCA America,

Madison, Wisconsin
December 8, 2014
2:00 p.m.

Defendants.

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STENOGRAPHIC TRANSCRIPT OF TELEPHONIC MOTION HEARING
HELD BEFORE MAGISTRATE JUDGE STEPHEN L. CROCKER,

APPEARANCES:

For the Plaintiff:

Jenner & Block
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Also present: Mike Wokasch, in-house counsel

Lynette Swenson RMR, CRR, CBC
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1 APPEARANCES CONTINUED:

2 For the Defendants:

3 Kelley, Drye & Warren LLP
4 BY: DAVID LONG
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THE COURT: Good afternoon. This is Magistrate Judge Crocker. I understand I have the attorneys for the parties in the Epic Systems Corporation lawsuit against Tata Consultancy Services Limited, Tata America International Corporation. I have a court reporter here, which is why you're on speaker phone. The case number is 14-CV-748-SLC.

Let's find out who is on line and then let's get to the business at hand. Who's appearing on behalf of the plaintiff today, please?

MR. SAROS: Good afternoon, Your Honor. It's Nick Saros for Epic Systems. Along with me is Brent Caslin and Kate Spelman, and our client's in-house counsel Mike Wokasch is present also. And Tony Tomaselli from Quarles & Brady as well.

THE COURT: All right. Well, good afternoon to all of you. And who have we got on behalf of the defendants today?

1 MR. LONG: Good afternoon, Your Honor. My name
2 is David Long. I'm an intellectual property attorney
3 with Kelley, Drye & Warren. And it will just be me
4 today for the defendants.

5 THE COURT: Okay. I think that makes it what?
6 Six against one. But that's probably a fair fight.

7 All right. Counsel, we're on line to discuss and
8 for the Court to give at least a preliminary, if not a
9 final ruling on the motion for early discovery. That's
10 docketed as 5. It's got some supporting documents,
11 including a brief and the declaration, and Exhibits 6
12 and 7. The opposition is 19, followed by some exhibits
13 as well.

14 I've read everything you've sent in to the Court,
15 and as is my practice and as some of you have
16 experienced in other hearings in other cases, what I'm
17 going to do is start by giving you the Court's overview
18 of where I think we find ourselves and where we might be
19 headed and then invite input from each side in turn,
20 starting with the movant.

21 I'm using conditional verbs and adverbs
22 intentionally because this is one where I don't have a
23 real clear sense yet as to where this all will be
24 headed, but I do have some notions as to where I think
25 it ought to be headed, subject to input from each side.

1 Let's start with this notion: As I think you
2 understand, but as is sometimes obscured by the way you
3 argued in your briefs, right now the only issue is
4 whether to allow this expedited discovery. It's really
5 not within the Court's purview at this point to decide
6 the merits of any injunctive motion because one has not
7 been filed. Perhaps one will never be filed. I think
8 that's Epic's point, that it wants to explore further
9 whether there's even a basis for it.

10 Certainly the defendants' view is that this is just
11 a wild goose chase based on wild allegations by a
12 disgruntled -- I think you called him a professional
13 whistleblower, Mr. Guinnet, if I'm pronouncing it
14 correctly. But the Court's view is it may be necessary
15 to get some early discovery so that we can line this up
16 for either a injunctive motion or not.

17 Now I understand there's some dispute over whether
18 *Notaro* applies or not and what standard the Court should
19 employ. I would tend to gravitate toward the lower
20 standard, the good cause standard, but I also want to be
21 pragmatic and fair about this. So I'm going to offer
22 some more comments, but so as not to keep anyone in
23 suspense while I monolog, to use the term from the
24 *Incredibles*, where I think we're headed here is that I'm
25 going to order an early 26(f) conference, as is the

1 Court's prerogative under 26(f)(1), and get you guys
2 talking about this early discovery. And perhaps it will
3 go in both directions. I think that's part of the
4 discussion you need to have, and that's certainly
5 something the defendants have asked for here, and narrow
6 it a bit. And then from the Court's perspective,
7 there's no good reason not to allow some front-end
8 discovery along the lines requested and allow it perhaps
9 even sooner than an answer comes in.

10 And I'll just offer this as one of the reasons for
11 proceeding in this fashion, then I'll offer some more
12 general comments in response to the briefs that were
13 submitted by both sides. As the record reflects and as
14 counsel all know, the case was filed on October 31. The
15 motion to expedite came in on November 7. The computer
16 here in the court set a seven-day response cycle. We
17 realized pretty quickly that there was no one who had
18 appeared yet on behalf of the defendants even to
19 respond. So we put sort of a conditional deadline on
20 that.

21 Well, service was proved as of November 6. That
22 would have required a response or answer within about 20
23 days. But then the parties stipulated on November 25 to
24 extend the answer/response deadline out to December 29,
25 which I think is very practical and very fair,

1 particularly given the holidays. Although December 29
2 isn't a very nice date either. But the point is you've
3 already got about a month-long extension past where the
4 26(f) conference would normally fall. So from the
5 Court's perspective, there's no reason from a discovery
6 point of view not to get that 26(f) going now, get the
7 parties talking more specifically about the sorts of
8 discovery that might be needed here to frame the
9 injunctive issue that concerns Epic Systems, and then
10 get a little bit more meat on the bones of the motion.
11 So let's segue from there.

12 I also tend to agree with the defendants that the
13 Court will need a little bit more proof of these
14 contentions before it actually orders the sorts of
15 discovery that's been required here. I surmise that
16 it's available. For instance, there was talk in the
17 brief of a Kaiser investigator talking to Mr. Gajaram,
18 if I'm pronouncing that correctly, and I don't remember
19 the exact verbs used, but the proffer in the brief was
20 that Mr. Gajaram admitted to the Kaiser investigator
21 that he had misappropriated the 6,000 files and that he
22 had shared them with the other two employees,
23 Mr. Anandham and Mr. Gunasekaram, inferentially without
24 the permission of Epic and outside of his scope as a
25 consultant for Kaiser. Well, I'd like to see that

1 report. Under seal or whatever. And I think if
2 defendants' attorney hasn't seen that yet, he and his
3 colleagues are entitled to see that report also.

4 To the extent that there is some concern about
5 what's in the 6,000 files and why that might lead to an
6 incorporation, an unfair incorporation into the Medic
7 Mantra software, it would not hurt and the Court may
8 direct that Epic follow up along those lines as well.
9 Just connect the dots here a little bit more.

10 Now along those same lines, the defendants in their
11 brief suggest that you can't get an injunction for
12 future harm that isn't imminent. I'm not so sure that
13 it's not a good basis to get discovery now that there
14 has not been time yet for the defendants to incorporate
15 any misappropriated files into their software. And
16 again, we're just speaking for the purpose of discovery.
17 I want to make clear to both sides right now that the
18 Court is not taking sides here. I have no idea what
19 really happened. That will all be proved up at the
20 appropriate time in the appropriate manner, whether
21 that's through an injunctive proceeding or simply the
22 lawsuit itself. But right now the Court doesn't have
23 the information that would allow it to decide who's
24 right and who's wrong. And I'm not picking sides here.

25 But if we were to assume for the purposes of

1 discovery that there were misappropriated files, then
2 the fact that they have not yet been incorporated into
3 software to the Court is not a very persuasive reason
4 not to allow the discovery and perhaps not to allow an
5 injunction. But that's putting the cart ahead of the
6 horse. The question now is what kind of discovery do we
7 need and how robust should it be and how quickly should
8 it occur. Okay?

9 So I'm thinking a lot of the discovery that's
10 requested here is probably appropriate. Frankly if the
11 three consultants who are in good standing with their
12 employer, with the defendants, were simply to
13 explanation what they were doing with their Kaiser IDs
14 and why, perhaps they could put the lie to Mr. Guinnet's
15 allegations very quickly and Epic would back off. That
16 certainly would be the outcome if the defendants'
17 proffer is an accurate one. So I'm not sure why some
18 sort of an audio/visual deposition or a Skype deposition
19 across the ocean would not be beneficial to both sides
20 here, setting aside all of the consular notification and
21 other diplomatic niceties that would attend flies
22 attorneys over to -- I'm not sure if it's Mumbai or New
23 Dehli that Mr. Gajaram is, but somewhere in India. But
24 again, that would be part of the 26(f) conference.

25 Nobody really picked up on the Request No. 4, the

1 Rule 45 document subpoena to Kaiser. Maybe that's the
2 800-pound gorilla sitting on the couch that nobody wants
3 to disturb. I understand that. But if that's part of
4 the mix, then I'm wondering who has -- who has talked to
5 Kaiser; who's asked them whether this is something
6 that's easy or hard to do; how they feel about this; do
7 they need to lawyer up here. I think that needs to be
8 part of the discussion as well. Because if the Court is
9 going to require early discovery and that involves
10 getting documents from Kaiser directly, well, they've
11 got a dog in this fight and they ought to be able to say
12 what they think as well.

13 As for the scope of the document requests, I think
14 both sides have some good points there. I think maybe
15 some of these documents that the defendants have would
16 be very useful to the question or to answering the
17 question whether there's some need for injunctive relief
18 here. I don't know that it all needs to be done. I
19 think maybe Epic aimed broadly on purpose so that it
20 didn't miss something, but that's also something I think
21 could be sifted and winnowed down at a 26(f) conference.

22 I'm going to offer this in terms of the Court's
23 vision of timing here and then I'm going to stop talking
24 and turn the floor over to the plaintiff, the movant.
25 The Court generally tries not to jam up attorneys with

1 their families over the holidays. I'm not sure that we
2 can avoid that completely here. But the Court's view is
3 that if we have a 26(f) conference before the major
4 winter holidays, if you guys can meet-and-confer before,
5 say, the 19th, which is the Friday of the week before
6 Christmas or maybe even the 22nd or 23rd and get a
7 report to the Court, perhaps with a section or a couple
8 of sections about the expedited discovery, framing the
9 agreements in light of my direction and the
10 disagreements that might require the Court to referee
11 them, then we could maybe get this discovery taken in
12 January. But I'll tell you right now it's not going to
13 happen any earlier than late January. It might even be
14 February, at which point given the timing of the answer
15 here or the other response, we're going to be in regular
16 discovery anyway.

17 Now I acknowledge that we don't normally depose
18 percipient witnesses right out of the gate, so that
19 would be abnormal, but it would not be contrary to the
20 rules. So it wouldn't be something where *Notaro* or the
21 good cause standard would apply, it would just be a
22 matter of fairness and pragmatism. And of course along
23 those lines, to the extent the defendants want to
24 suggest immediate discovery that is genuinely necessary
25 for the Court to determine what ought to happen next in

1 terms of injunctive relief, that's part of the mix as
2 well. All right? A pretty long opening statement, but
3 I hope you find it helpful.

4 With that, let's turn the floor over to whoever is
5 the point person for the plaintiff today.

6 MR. SAROS: Thank you, Your Honor. This is
7 Nick Saros for Epic. There are a lot of points, some of
8 which I have no comment to, so I'm only going to raise
9 the points where I have a comment. The first one is
10 regarding the Kaiser Permanente relationship. There was
11 a declaration provided from a Mr. MacLeod, and just for
12 the Court's clarification, he is the Kaiser investigator
13 and he interviewed Mr. Gajaram and it was his
14 declaration that described what he determined in that
15 interview where Mr. Gajaram initially denied downloading
16 or saving any documents and then -- and denied providing
17 his log-in credentials to other people. And then --

18 THE COURT: Right. That's Docket 9. I've got
19 that. But is there a more robust report or is that it?

20 MR. SAROS: I think that's all we got from
21 Kaiser.

22 THE COURT: Okay. Well, I will guess I'm used
23 to investigative reports by special agents. This is
24 pretty vague, from the Court's perspective. But that
25 said, if you did beef that up, that's what I'm looking

1 for.

2 MR. SAROS: We have -- you know, so there has
3 been -- to answer your question, one of your later
4 questions about Kaiser and the subpoena to them, which
5 we did ask for, there has been communications with
6 Kaiser's lawyers. They have been involved. They are,
7 as you said, lawyered up. So they've been involved in
8 this and they understand the problem. And it was the
9 Kaiser lawyers that got the Kaiser investigator
10 involved.

11 THE COURT: Well, I would have surmised that.
12 What's their response to your request to the Court for
13 an early subpoena? Do they care?

14 MR. SAROS: I think they want us to negotiate a
15 subpoena with them. I mean our initial hope was that
16 Kaiser would just give us every bit of their
17 investigation and that hasn't proven to be the case.
18 And --

19 THE COURT: Did they say why not?

20 MR. SAROS: I don't -- no.

21 THE COURT: Okay. I keep interrupting you.
22 What else have you got?

23 MR. SAROS: Okay. No, that's okay, Your Honor.
24 I obviously don't mind that. You mentioned another
25 proof of the contentions, you mentioned what's in the

1 6,000 files. We have a list of the documents, the dates
2 of the download, and the IP addresses where they show
3 the downloads were from. We would of course be happy to
4 provide that.

5 THE COURT: Well, and let's be clear. I have
6 no use for just a list of what the documents are. That
7 would be meaningless to the Court. It's more along the
8 analogy I offered of connecting the dots. What is it
9 about these 6,000 files that arguably would have caused
10 Mr. Gajaram to download them illicitly and covertly for
11 the benefit of his employer? What use could the
12 defendants make of these documents that they would have
13 gone to such lengths to obtain them improperly? That's
14 the sort of proffer I need.

15 MR. SAROS: Well, I think part of that, Your
16 Honor, is in the declaration of Stirling Martin, who is
17 one of the primary technical employees at Epic and he
18 describes the types of documents. It's what we tried to
19 have him detail, give at least some evidence, and he
20 describes them as highly sensitive documents to Epic
21 that would allow someone to reverse engineer the
22 functionality of Epic software.

23 THE COURT: Sure. This is Docket -- just so
24 we're clear, this is Docket 8 in the file, and I've got
25 that and I've read that. And again, this is a very good

1 headline version. What I would suggest -- and again, I
2 want to be clear. We're not going to make you prove
3 that you are entitled to injunctive relief before you
4 even do the discovery. I think there's sort of that
5 bootstrapping problem that Notaro creates. But
6 something a little bit more robust. Again, I'm looking
7 at paragraph nine where he's talking about 6,477
8 documents accounting for 1,687 unique files. You know,
9 a couple of examples of that. You know, paragraph 11,
10 "The functionality would allow a competitor to reverse
11 engineer the functionality of Epic." And he goes on to
12 explain why he says that. If you could provide a little
13 bit more, just a couple of examples of that, not just
14 for the Court's benefit, but also for Mr. Long's benefit
15 and for his technical people so that if they dispute
16 that, they've got a basis for that. So they know what
17 Mr. Martin is actually referring to as opposed to a
18 headline version. Again, not everything, but just a
19 couple of concrete examples. Does that make sense?

20 MR. SAROS: Yeah, I think that does, Your
21 Honor. I understand what you're saying and we'd be fine
22 with that.

23 THE COURT: Okay. Back to you.

24 MR. SAROS: The one question I have, you talked
25 a little bit about setting an early 26(f) conference and

1 one of -- my only concern with that, I think that's a
2 good idea. My only concern with that is that starts the
3 regular discovery process. The depositions that we're
4 seeking of the three consultants, we think that they
5 should be initial expedited for the purpose of
6 determining what happened. You know, we believe there's
7 been a wrongdoing, the evidence shows a wrongdoing, and
8 there's really no rebuttal of that.

9 THE COURT: Sure. Mr. Saros, let me interrupt
10 you again because maybe I can allay that concern for
11 both you and Mr. Long. By having an early 26(f)
12 conference, I want that because of your motion, and I
13 understand that that is the trigger for everything else
14 that follows. But to the extent that the parties would
15 not have agreed to this on their own, I would direct
16 both sides sequence this so that you focus, like I said,
17 in a section or a couple of sections on this preliminary
18 discovery that you're requesting and that perhaps
19 defendants will counter request, but then set forth your
20 notions, perhaps by agreement of the parties, perhaps on
21 two parallel tracks, of what ought to happen next with
22 the regular case. In other words, maybe you stay
23 discovery until this issue is resolved, at least in
24 terms of discovery and a motion filed or not. Then the
25 regular discovery begins. Then you disclose regular

1 experts, and so forth, leading to a trial date at this
2 point in early 2016.

3 Now maybe you'll stick with me as the judge. You
4 being both sides. Nobody has asked you to consent or
5 decline yet. Maybe you'll get a different judge. But
6 I'm the calendaring judge for every civil lawsuit in
7 this court and I can tell you all that no judge here has
8 a trial date available before February of 2016. It just
9 isn't going to happen any sooner than that. And it can
10 be later if we need it.

11 So in other words, Mr. Saros, you all meet. You
12 have your 26(f). Topic Number 1 is what we are we going
13 to do about this early discovery. And then Topics 2
14 through 8 or 2 through 12 are what about the rest of the
15 case? What do you think we ought to do then? I hope
16 that's helpful. But back to you.

17 MR. SAROS: Yes, that is helpful. But my only
18 point was just because -- if we do go through that
19 process, just because we have a short targeted
20 deposition of those three, doesn't mean we're precluded
21 later, which I think was in the opposition brief.

22 THE COURT: Well, that's something that we will
23 decide once the parties have had a chance to
24 meet-and-confer. I'm not real keen on denying anyone a
25 second shot at these witnesses. If we're going to

1 expedite it, I don't think either side will have a full
2 knowledge of what they might want to ask them this
3 early. So from the Court's perspective, as justice and
4 fairness requires, we can always redepose any witness in
5 any lawsuit. If we need an advance ruling on that,
6 you'll get one. But we're not going to get that ruling
7 today. But certainly the Court is not averse to
8 allowing that in this case. It has not been averse to
9 allowing it in other cases either. That's our track
10 record. Back to you.

11 MR. SAROS: Okay. I think that's it, Your
12 Honor. We just want to find out what happens to Epic
13 stuff and I think what you said, the procedure you're
14 outlining we would agree with.

15 THE COURT: All right. Well, thank you for
16 your input. Mr. Long, to you then for any input you'd
17 like to offer, either on my comments or on those that
18 Mr. Saros offered.

19 MR. LONG: Yes, Your Honor. Thank you. And
20 generally I agree with what you've set out as well. And
21 we state in our brief what we believe has happened here
22 and what more things we need to find out to make clear,
23 just because clients seem to get drug through the mud a
24 bit by their motion. It's actually a very good
25 corporate citizen, good client, respects intellectual

1 property rights, an innovator itself. We don't think
2 there's any impropriety here and that will bear out as
3 we go forward.

4 I had a couple of questions on the timing of
5 things, and maybe that ends up being things that the
6 parties can work out in the Rule 26(f) conference, and
7 if we can't, we know where you're at. One is that this
8 timing of the Rule 26(f) conference itself would be
9 right when we're in the middle of filing what will end
10 up being a motion to dismiss, I'm fairly certain, on the
11 Complaint itself. I would prefer, just given the
12 holidays and such, if we'd push that off to at least the
13 29th, the day our brief was -- our response to the
14 Complaint would be due.

15 THE COURT: I would prefer not to. It sounds
16 like what you really are concerned about, Mr. Long,
17 although you're much too diplomatic to say so, is you've
18 got your team working on your dismissal motion and
19 that's taking all their time. I get it, but Kelley,
20 Drye & Warren is a big firm. I don't know how big the
21 team is here, but you've got a big client. I'm not
22 inclined to wait until after the holidays. So if you're
23 asking for a direct answer, the answer is no.

24 MR. LONG: Okay. Thank you, Your Honor.
25 Probably the next question I have, I think it will go

1 toward what the parties will discuss in the Rule 26(f)
2 conference, but that's that -- a couple things. We have
3 not seen the Kaiser report. We asked for it but hadn't
4 received it. We have not seen any information that
5 plaintiff Epic has gathered as far as finding which
6 documents they believe were downloaded by a TCF
7 employee, when, where, what the document was. So I
8 think when we look at that Rule 26(f) conference at
9 least anyhow, some of the focus will need to be getting
10 down to that information. And when --

11 THE COURT: I agree. And let me interrupt. As
12 I tried to make clear to Mr. Saros, and let me confirm
13 to you, you're entitled to this now. Your view is that
14 we're doing something extraordinary here, and you're
15 right. And before we embark on this extraordinary
16 adventure, both the Court and your client and your law
17 firm are entitled to a little bit more detail. So
18 certainly that's something you can discuss at the 26(f)
19 conference. Maybe you guys can work it out before you
20 even meet about certain things that they can send over
21 to you as PDFs or email, but I agree with you on that.
22 So back to you.

23 MR. LONG: Thank you, Your Honor. I believe in
24 looking through this, given that we wouldn't have the
25 opportunity to do mutual discovery, which I think

1 creates some of that practical balance we talked about
2 in our briefing papers, I don't think I really have any
3 more at the moment unless Your Honor has any questions
4 for me.

5 THE COURT: No, not at this point. And let me
6 just offer some direction, then Mr. Saros, it's your
7 motion, so I'll entertain a brief reply, although the
8 operative word here would be *brief*. I really don't want
9 to micromanage this so that if the Epic team would just
10 as soon meet closer to the 29th or after, you may. But
11 the Court's view is I want this to happen before
12 Christmas. I want you guys to have this meeting sooner
13 rather than later because I want to start that ball
14 rolling down the hill. Okay?

15 That said, I'm going to leave it to the parties in
16 the first instance to sort out what needs to happen; how
17 much needs to happen. You guys are much better than
18 that than the Court is, so I'm going to try to stay out
19 of your way. But as Mr. Long pointed, you know where to
20 find me and I don't want you to be shy. If you need to
21 call me during the conference, it's just like calling
22 during a depo. I would be happy to call the balls and
23 strikes over the phone if I can see them. So that's
24 available to you.

25 Other than that, I'll leave it to you all to figure

1 out the nuances, the details and so forth as best you
2 can in terms of timing as well. All right? At this
3 juncture, I will stay the final decision on the motion
4 -- I guess it's more accurate to say I'm granting it in
5 part and denying it in part in the manner and for the
6 reasons stated. I'll enter just a very brief text-only
7 order that refers back to this conference. I'll
8 indicate that I've ordered an early 26(f) conference
9 pursuant to what the Rule allows and then just wait to
10 hear back from the parties.

11 I think that covers it at this point. But
12 Mr. Long, I guess I'll check in with you. Any questions
13 about the Court's last set of statements here before I
14 check in one last time with Mr. Saros?

15 MR. LONG: No, Your Honor. I think we'll have
16 access to the transcript. It all seemed clear to me at
17 this point.

18 THE COURT: Absolutely. All right. Thank you.
19 Mr. Saros, then it's your motion. Any brief reply? Any
20 addition questions in light of what Mr. Long said or
21 what the Court has now said?

22 MR. SAROS: Yes. One additional question we
23 haven't talked about is Mr. Guinnet's documents and
24 that's a point where it's kind of an odd situation which
25 we'd like to -- he said he has documents showing certain

1 things that we detailed in our brief and I don't believe
2 TCF has access to those either.

3 THE COURT: Well, I think defendants raise a
4 valid point. He's still employed by them and so they
5 own the documents right now. He may be a whistleblower,
6 but you're not the FBI. He can't just give them to you.
7 So I think that needs to be part of the 26(f)
8 conference. If that's going to be AEO disclosures,
9 attorney's eyes only, fine. I think you're entitled to
10 see the documents or at least some of them under some
11 level of confidentiality. And the Court is prepared to
12 enter at least a placeholder confidentiality order if
13 the parties need that if you can't work out an
14 agreement. But I don't think he can just give them to
15 you. I don't think that would be appropriate under the
16 circumstances. Does that help?

17 MR. SAROS: I understand the point. The reason
18 I say it's unusual is because TCS has said in their
19 brief that they don't have access to the documents
20 despite the fact that he's their employee.

21 THE COURT: So I guess -- well, somebody's got
22 them. I hope he's not just wandering around in a rented
23 car in the desert waiting for somebody to offer him
24 money. But you guys sort that out. He technically --
25 Tata has control over those documents. Practically I

1 don't know if that's true or not, but I think that's up
2 to both sides to try to figure out in consultation with
3 Mr. Guinnet.

4 MR. SAROS: I mean I don't know that he'll talk
5 to anybody. That's the problem. That's why we
6 suggested the subpoena route, to force him to show us
7 what he has. I think whatever documents he has I assume
8 are sitting in his house somewhere.

9 THE COURT: Well again, I don't want to beat
10 this to death over the phone today because none of us
11 knows exactly what's going to happen, but understanding
12 that at least from the defendants' proffer he doesn't
13 like them anymore, he's still employed by them, he still
14 answers to them, I think in the first instance it's up
15 to them to say Mr. Guinnet, answer your phone. Tell us
16 where the documents are. Make them available to our
17 attorneys so that we can take this to the next step, at
18 which you will either be vindicated or vilified. If he
19 doesn't respond to that and you need a subpoena, fine.
20 If we have to take it to the next step and bring in the
21 FBI, that's not the Court's decision to make either.
22 Let's not look for trouble. How does that sound?

23 MR. SAROS: I agree with that.

24 THE COURT: Okay. We're still on your dime.
25 Anything else today?

1 MR. SAROS: No. Nothing else.

2 THE COURT: All right. Then we're done. Thank
3 you all and please enjoy the rest of your afternoon.

4 MR. LONG: Thank you, Your Honor.

5 (Proceedings concluded at 2:32 p.m.)

6

7 * * * * *

8 I, LYNETTE SWENSON, Certified Realtime and
9 Merit Reporter in and for the State of Wisconsin,
10 certify that the foregoing is a true and accurate record
11 of the proceedings held on the 8th day of December 2014
12 before the Honorable Stephen L. Crocker, Magistrate
13 Judge for the Western District of Wisconsin, in my
14 presence and reduced to writing in accordance with my
15 stenographic notes made at said time and place.
16 Dated this 9th day of December 2014.

17

18

19 /s/_____

20 Lynette Swenson, RMR, CRR
21 Federal Court Reporter

22

23

24 The foregoing certification of this transcript does not
25 apply to any reproduction of the same by any means
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